

2013 DRAFTING REQUEST

Bill

Received: **1/25/2013** Received By: **rkite**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Kirby**
May Contact: Drafter: **rkite**
Subject: **Nat. Res. - fish and game** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Kirby, BB0424 -

Topic:

Bonus deer permits for hunting to control chronic wasting disease

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 1/28/2013			_____			
/P1	rkite 1/30/2013	jdyer 1/28/2013	jfrantze 1/29/2013	_____	srose 1/29/2013		State
/P2	rkite 2/2/2013	jdyer 1/30/2013	jmurphy 1/30/2013	_____	srose 1/30/2013		State
/P3	rkite	wjackson	phenry	_____	srose		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/7/2013	2/3/2013	2/4/2013	_____	2/4/2013		
/1		jdye 2/8/2013	phenry 2/8/2013	_____ _____	mbarman 2/8/2013		State

FE Sent For:

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/P2	rkite 2/2/2013	jdye 1/30/2013	jmurphy 1/30/2013	<i>ph/15</i>	srose 1/30/2013		State
/P3		wjackson	phenry		srose		State

2/6/13

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/P2		jdye 1/30/2013	jmurphy 1/30/2013	_____	srose 1/30/2013		State

FE Sent For: *1/30 Wlj 2/3 2/4/ph*

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/?	rkite 1/28/2013	P2 1/30 jld		_____ _____			
/P1		jdye 1/28/2013	jfrantze 1/29/2013	_____ _____	srose 1/29/2013		State

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/?	rkite	P1 1/28 jld	1/29	me 1/29			

FE Sent For:

<END>

Kite, Robin

From: Hanaman, Cathlene
Sent: Thursday, January 24, 2013 5:03 PM
To: Gibson-Glass, Mary; Kite, Robin; Shea, Elisabeth
Subject: FW: Statutory Language Drafting Request - BB0424
Attachments: Draft Language for Bonus Deer Fees and Their Use.docx

From: Peter.Kirby@Wisconsin.gov [mailto:Peter.Kirby@Wisconsin.gov]
Sent: Thursday, January 24, 2013 5:00 PM
To: Hanaman, Cathlene
Cc: Thornton, Scott - DOA; Wavrunek, Leah J - DOA; Kirby, Peter W - DOA
Subject: Statutory Language Drafting Request - BB0424

Biennial Budget: 2013-15

Topic: Bonus Deer Permit Fees

Tracking Code: BB0424

SBO Team: AEJ

SBO Analyst: Kirby, Peter W - DOA
Phone: 608-267-0370
E-mail: Peter.Kirby@Wisconsin.gov

Agency Acronym: DNR

Agency Number: 370

Priority: High

Intent:

Please see attached.

Attachments: True

Please send completed drafts to statlanguage@wisapps.wi.gov

Draft Language for Bonus Deer Permit Fees and Their Use In CWD Program

29.062

Existing Ch. 20 Language—Retain and request an increase of \$50,000/yr. in the schedule

20.370 (1)(hs) Chronic wasting disease management. From the moneys received under ss. 29.181, 29.559 (1r), and 29.563 (13), the amounts in the schedule for the management of, and testing for, chronic wasting disease under s. 29.063 (1).

New Ch. 20 Dedicated Appropriation for Permit Revenue-- Create

20.370 (1)(hx) Chronic wasting disease management supplement. All moneys received from up to \$6 of the sale price of bonus deer harvest tags under **29.181** in counties where CWD is present for the management of, and testing for, chronic wasting disease under s. 29.063 (1).

Create

Establish the Permit

- 29.181(3) CWD COUNTY BONUS DEER HUNTING PERMITS the department may issue separate bonus deer hunting permits specifically to take additional deer in the state's counties where CWD has been detected.

Fee schedule:

- 29.563 (2)(c) 3 Bonus deer issued to a person under 29.181(3) fees shall be set by administrative rule under s. (Res)
- 29.563 (2)(d) 2 Bonus deer issued to a person under 29.181(3) fees shall be set by administrative rule under s. (NonRes)

Emergency Rules:

- Language on the creation of emergency rules to implement the Deer Management Report similar to what was contained in the following excerpt from Act 169 – wolf hunting bill. It should authorize such rules for the proposed Deer Management Assistance Program under 29.020 and the proposed CWD COUNTY BONUS DEER HUNTING PERMITS under 29.181(3)

2011 WISCONSIN ACT 169

AN ACT relating to: hunting and trapping of wolves, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, and making an appropriation.

SECTION 21. Nonstatutory provisions.

(1) RULES.

(a) The department of natural resources shall submit in proposed form any rules that are necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 8th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate any rules necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, for the period before the effective date of the permanent rules that are submitted under paragraph (a). Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this paragraph remain in effect until the date on which the permanent rules take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this paragraph as emergency rules is

necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this paragraph.

Kite, Robin

From: Kirby, Peter W - DOA <Peter.Kirby@wisconsin.gov>
Sent: Friday, January 25, 2013 2:19 PM
To: Kite, Robin
Subject: Bonus Permits

Responses in red from DNR. Let me know if you need anything else

1. Under the draft, will a person be able to get both a "regular" bonus permit and a CWD bonus permit?-- Yes--If they are buying them to take a deer in different counties-- the CWD status of the county-- and if they are available
2. Will all the provisions in current law that apply to bonus permits apply to this new permit (for example, deferral of bonus permits s. 29.183 (1) (b), transfer of bonus deer hunting permits under s. 29.180)?--Yes
3. It may make more sense to create an entirely new type of permit for hunting in CWD counties instead of making this permit a type of bonus permit that already exists in current law. Is there any reason why I should not draft this permit as a different type of permit?-- The cross references seem easier if they are both in 29.181--- and they both have the same purpose (additional deer) just in different geographic locations. It can be given a different name-- but the fee level still needs to be set by rule-- negotiations yet to come (level of value for permit--given Kroll Report)
4. The suggested language for the new appropriation is not workable. The language appropriates an amount "up to \$6" of the price of bonus deer harvest tags under s. 29.181 in counties where CWD is present. The appropriation must be more specific. That is, who decides how much is appropriated if the amount is "up to \$6"? If DNR will be making this decision, then the draft must include a substantive provision in ch. 29 that gives DNR authority to do this and contain a basis on which this decision is made. --We could go with a straight \$5 per permit sold in counties where CWD has been detected.

This is also important because the language in the existing appropriation must be adjusted to account for the language in the new appropriation. --Seems like the existing appropriation should be ok-- seeing that it is a sum certain amounts in the schedule-- appropriation

Finally, I don't understand whether the new appropriation comes from only the CWD permit fee or whether it includes all bonus permit fees.--It refers to tags sold under 29.181 generally-- Therefore It would include the new CWD Permit fee (29.181 (3))and/or the existing Bonus Fee (29.181 (1m) if that Bonus Permit was sold to take an additional deer in a county where CWD has been detected. It was done this way to provide flexibility in case DNR gets out of the "CWD Bonus Permit" business and just issues regular permits.

5. Could the report be identified/referenced in the draft and DNR be given general emergency rule authority to "implement provisions of the report"? I'm sure we wouldn't want to be statutorily required to implement all of them-- and it would be kind of messy to do a laundry list of the ones we want to do in the statutes.

At a minimum, for what's on the table right now, DNR will need the emergency rule language authorization to establish the CWD bonus fee, the proposed DMAP program and establish landowner fees.

The report is the Dr. Kroll Deer report: <http://www.doa.state.wi.us/section.asp?linkid=239&locid=0>

Thanks,

Peter

Peter Kirby
State Budget Office
Phone: 608.267.0370

Kite, Robin

From: Kirby, Peter W - DOA <Peter.Kirby@wisconsin.gov>
Sent: Friday, January 25, 2013 5:01 PM
To: Kite, Robin
Subject: FW: Bonus Deer Revenue Distribution Draft Addition

Sorry for the late email. I just got this.

From: Wavrunek, Leah J - DOA
Sent: Friday, January 25, 2013 2:55 PM
To: Kirby, Peter W - DOA
Subject: FW: Bonus Deer Revenue Distribution Draft Addition

This change should go forward as well.

From: Polasek Jr, Joseph P - DNR
Sent: Friday, January 25, 2013 10:56 AM
To: Wavrunek, Leah J - DOA
Subject: Bonus Deer Revenue Distribution Draft Addition

Leah-- here is where the revenue would go that is not deposited into (1)(hx).

We should also make the change in red below:

(5)(fq) *Wildlife damage claims and abatement.* All moneys received under ss. 29.181, 29.559 (1r), and 29.563 (13) and not appropriated under par. (fr) and subs. (1) (hs) and (hx) and (Ls) and (5) (fs) to provide state aid for the wildlife damage abatement program under s. 29.889 (5) (c) and the wildlife damage claim program under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and for payments under s. 29.89.

Thanks

Joe



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1330

RNK: A:...

jld

DOA:.....Kirby, BB0424 – Bonus deer permits for hunting to control chronic wasting disease

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

D-N

X don't gen ✓
1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

DNR
===

Under current law, a person who holds a deer hunting license may also be issued a bonus deer hunting permit. ✓ A bonus deer hunting permit authorizes the person to take an additional deer of the sex or type specified by the department by rule. Unless authorized by a DNR rule, a person may not obtain more than one bonus deer hunting permit in a single season. ✓

hunting

This bill specifies an additional basis upon which DNR may issue a bonus deer permit. Under the bill, DNR may issue a bonus deer permit that allows a person to take an additional deer in a county in which DNR has confirmed that a deer has tested positive for chronic wasting disease (CWD county). ✓ The bill provides that DNR may issue to a person more than one bonus deer hunting permit in a single season if each permit only authorizes the person to take a deer in a CWD county ✓ and each permit issued to that person authorizes the person to take a deer in a different CWD county. ✓

hunting

For further information see the ✓ state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

NATURAL RESOURCES

cs Fish, game, and wildlife

Head

subhead

1 **SECTION 1.** 20.370 (1) (hs) of the statutes is amended to read:

2 20.370 (1) (hs) *Chronic wasting disease management.* From the moneys
3 received under ss. 29.181, 29.559 (1r), and 29.563 (13), except the amount under par.
4 (hx), the amounts in the schedule for the management of, and testing for, chronic
5 wasting disease under s. 29.063 (1).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; s. 13.92 (1) (bm) 2.

6 **SECTION 2.** 20.370 (1) (hx) of the statutes is created to read:

7 20.370 (1) (hx) *Bonus deer permit fees; chronic wasting disease.* As a continuing
8 appropriation, an amount equal to the amount calculated under s. 29.181 (3) for the
9 management of, and testing for, chronic wasting disease under s. 29.063 (1).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 20.370 (5) (fq) of the statutes is amended to read:

11 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received
12 under ss. 29.181, 29.559 (1r), and 29.563 (13) and not appropriated under par. (fr)
13 and subs. (1) (hs), (hx), and (Ls) and (5) (fs) to provide state aid for the wildlife damage
14 abatement program under s. 29.889 (5) (c) and the wildlife damage claim program
15 under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and
16 for payments under s. 29.89.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; s. 13.92 (1) (bm) 2.

17 **SECTION 4.** 29.181 (2) of the statutes is renumbered 29.181 (2) (a) (intro.) and
18 amended to read:

1 29.181 (2) (a) (intro.)[✓] A bonus deer hunting permit shall authorize the holder
2 of the bonus deer hunting permit to ~~take an additional deer of the sex or type specified~~
3 ~~by the department on the permit.~~^{check - Δ} do either of the following:

4 (c) Except as authorized by rule or as provided under par. (d),[✓] a person may not
5 apply for or be issued more than one bonus deer hunting permit in a single season.

6 History: 1991 a. 39; 1995 a. 27; 1997 a. 1; 1997 a. 24; ss. 248 to 254; Stats. 1997 s. 29.181; 1999 a. 9; 2001 a. 108.

SECTION 5. 29.181 (2) (a) 1. of the statutes is created to read:

7 29.181 (2) (a) 1. Take an additional deer of the sex or type specified by the
8 department on the permit.[✓]

9 SECTION 6. 29.181 (2) (a) 2. of the statutes is created to read:

10 29.181 (2) (a) 2. Take an additional deer in a county in which the department
11 has confirmed that a deer has tested positive for chronic wasting disease.[✓]

12 SECTION 7. 29.181 (2) (d) of the statutes is created to read:

13 29.181 (2) (d) A person may be issued more than one bonus deer hunting[✓] permit
14 in a single season if each bonus deer hunting permit authorizes the person to take
15 deer only in a county in which a deer has tested positive for chronic wasting disease
16 and if each permit authorizes a deer to be taken in a different county.[✓]

17 SECTION 8. 29.181 (3)[✓] of the statutes is created to read:

18 29.181 (3) USE OF MONEY FROM FEES.[✓] From the moneys received from the sale
19 of bonus deer hunting permits issued that authorize the taking of deer as provided
20 under sub. (2) (a) 2., the department shall credit an amount equal to \$5[✓] times the
21 number of those bonus deer hunting permits issued to the appropriation under s.
22 20.370 (1) (hx).[✓]

23 SECTION 9. 29.181 (4)[✓] of the statutes is created to read:

29.181 (4) RULES. The department shall promulgate rules that establish the fee for a bonus deer hunting permit issued under sub. (2) (a) 2. The fee established in the rule shall be at least \$5.

SECTION 10. 29.563 (2) (c) 1. of the statutes is amended to read:

29.563 (2) (c) 1. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 1.: \$11.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33; 2005 a. 22, 25, 55, 284, 288; 2007 a. 20; 2009 a. 28, 39, 364; 2011 a. 168, 169, 209; s. 13.92 (1) (bm) 2.

SECTION 11. 29.563 (2) (c) 1m. of the statutes is created to read:

29.563 (2) (c) 1m. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 2.: the amount determined by the department by rule under s. 29.181 (4).

SECTION 12. 29.563 (2) (d) of the statutes is renumbered 29.563 (2) (d) 1. and amended to read:

29.563 (2) (d) 1. *Nonresident permit.* Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 1.: \$19.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33; 2005 a. 22, 25, 55, 284, 288; 2007 a. 20; 2009 a. 28, 39, 364; 2011 a. 168, 169, 209; s. 13.92 (1) (bm) 2.

SECTION 13. 29.563 (2) (d) 2. of the statutes is created to read:

29.563 (2) (d) 2. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 2.: the amount determined by the department by rule under s. 29.181 (4).

SECTION 14. 29.563 (14) (c) 4. of the statutes is amended to read:

29.563 (14) (c) 4. Each bonus deer hunting permit issued for which a fee is charged under s. 29.563 (2) (c) 1. or 1m. or (d): 75 cents.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33; 2005 a. 22, 25, 55, 284, 288; 2007 a. 20; 2009 a. 28, 39, 364; 2011 a. 168, 169, 209; s. 13.92 (1) (bm) 2.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) BONUS DEER HUNTING PERMIT FEE RULES. The department of natural resources may use the procedure under section 227.24 of the statutes to promulgate rules under section 29.181 (4) of the statutes, as created by this act. Notwithstanding

1 section 227.24 (1) (c)✓ and (2)✓ of the statutes, emergency rules promulgated under this
2 subsection remain in effect until June 30, 2015✓, or the date on which permanent rules
3 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a)✓, (2) (b)✓, and
4 (3)✓ of the statutes, the department is not required to provide evidence that
5 promulgating a rule under this subsection✓ as an emergency rule is necessary for the
6 preservation of the public peace, health, safety, or welfare and is not required to
7 provide a finding of emergency for a rule promulgated under this subsection.✓

8 (END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1330/7²ln

RNK:.....

date

P1
jld

This draft authorizes the Department of Natural Resources (DNR)✓ to issue a bonus deer hunting permit for the specific purpose of taking a deer in a county in which DNR has confirmed that a deer has tested positive for chronic wasting disease. This bill requires DNR✓ to promulgate rules to establish fees for this permit and gives DNR the authority to promulgate emergency rules. Under the draft, the emergency rules will remain in effect until permanent rules are promulgated or until June 30, 2015, whichever occurs first. I drafted this provision in this manner to give DNR sufficient time to promulgate permanent rules. Is this date satisfactory? Also, if DNR would like to expedite the emergency rules process, I can add a provision that exempts the proposed rule from the✓ statement of scope and gubernatorial approval requirements under ch. 227✓

* DNR's responses to my questions about the emergency rules provision in the draft refer to "landowner fees" U I don't know what fee this refers to so it is not included in the draft. Please let me know if there are some additional instructions that I should have with respect to landowners.

Under current law, DNR may issue additional bonus permits without a fee to resident farm owners under s. 29.181 (2m)✓. One of the conditions for receiving these permits is that the farm owner must already have received a bonus permit for that season and paid the fee specified under s. 29.563 (2) (c) 1.✓ Should this provision be amended to provide that the farm owner may qualify for one or more additional permits under this subsection if the owner has received a bonus permit of the type created in the draft and paid the new fee established in this draft?✓

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1330/P1dn
RNK:jld:jf

January 29, 2013

This draft authorizes the Department of Natural Resources (DNR) to issue a bonus deer hunting permit for the specific purpose of taking a deer in a county in which DNR has confirmed that a deer has tested positive for chronic wasting disease. This bill requires DNR to promulgate rules to establish fees for this permit and gives DNR the authority to promulgate emergency rules. Under the draft, the emergency rules will remain in effect until permanent rules are promulgated or until June 30, 2015, whichever occurs first. I drafted this provision in this manner to give DNR sufficient time to promulgate permanent rules. Is this date satisfactory? Also, if DNR would like to expedite the emergency rules process, I can add a provision that exempts the proposed rule from the statement of scope and gubernatorial approval requirements under ch. 227.

DNR's responses to my questions about the emergency rules provision in the draft refer to "landowner fees." I don't know what fee this refers to so it is not included in the draft. Please let me know if there are some additional instructions that I should have with respect to landowners.

Under current law, DNR may issue additional bonus permits without a fee to resident farm owners under s. 29.181 (2m). One of the conditions for receiving these permits is that the farm owner must already have received a bonus permit for that season and paid the fee specified under s. 29.563 (2) (c) 1. Should this provision be amended to provide that the farm owner may qualify for one or more additional permits under this subsection if the owner has received a bonus permit of the type created in the draft and paid the new fee established in this draft?

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Kite, Robin
Sent: Wednesday, January 30, 2013 1:07 PM
To: Kirby, Peter W - DOA (Peter.Kirby@wisconsin.gov)
Subject: BB0424/LRB-1330

Peter:

There is a drafting error in the appropriation provisions in this draft. Consequently, I am redrafting this draft today. Let me know if you have any questions.

Robin

Robin N. Kite
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 E. Main St., Suite 200
Madison, WI 53703
(608) 266-7291



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1330/R1
RNK:jld:jf

Rm
run
P2

DOA:.....Kirby, BB0424 - Bonus deer permits for hunting to control chronic wasting disease

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

D-Note

✓ do not gen ✓
1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILD LIFE

Under current law, a person who holds a deer hunting license may also be issued a bonus deer hunting permit. A bonus deer hunting permit authorizes the person to take an additional deer of the sex or type specified by DNR by rule. Unless authorized by a DNR rule, a person may not obtain more than one bonus deer hunting permit in a single season.

This bill specifies an additional basis upon which DNR may issue a bonus deer hunting permit. Under the bill, DNR may issue a bonus deer hunting permit that allows a person to take an additional deer in a county in which DNR has confirmed that a deer has tested positive for chronic wasting disease (CWD county). The bill provides that DNR may issue to a person more than one bonus deer hunting permit in a single season if each permit only authorizes the person to take a deer in a CWD county and each permit issued to that person authorizes the person to take a deer in a different CWD county.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

moneys credited to the appropriation account

SECTION 1. 20.370 (1) (hs) of the statutes is amended to read:

20.370 (1) (hs) *Chronic wasting disease management.* From the moneys received under ss. 29.181, 29.559 (1r), and 29.563 (13), ~~except the amount~~ under par. (hx), the amounts in the schedule for the management of, and testing for, chronic wasting disease under s. 29.063 (1).

SECTION 2. 20.370 (1) (hx) of the statutes is created to read:

20.370 (1) (hx) *Bonus deer permit fees; chronic wasting disease.* ~~As a continuing appropriation, an amount equal to the amount calculated~~ under s. 29.181 (3) for the management of, and testing for, chronic wasting disease under s. 29.063 (1).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.370 (5) (fq) of the statutes is amended to read:

20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received under ss. 29.181, 29.559 (1r), and 29.563 (13) and not appropriated under par. (fr) and subs. (1) (hs), (hx), and (Ls) and (5) (fs) to provide state aid for the wildlife damage abatement program under s. 29.889 (5) (c) and the wildlife damage claim program under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and for payments under s. 29.89.

SECTION 4. 29.181 (2) of the statutes is renumbered 29.181 (2) (a) (intro.) and amended to read:

All moneys received to be credited to this appropriation account

1 29.181 (2) (a) (intro.) A bonus deer hunting permit shall authorize the holder
2 of the bonus deer hunting permit to ~~take an additional deer of the sex or type specified~~
3 ~~by the department on the permit.~~ do either of the following:

4 (c) Except as authorized by rule or as provided under par. (d), a person may not
5 apply for or be issued more than one bonus deer hunting permit in a single season.

6 **SECTION 5.** 29.181 (2) (a) 1. of the statutes is created to read:

7 29.181 (2) (a) 1. Take an additional deer of the sex or type specified by the
8 department on the permit.

9 **SECTION 6.** 29.181 (2) (a) 2. of the statutes is created to read:

10 29.181 (2) (a) 2. Take an additional deer in a county in which the department
11 has confirmed that a deer has tested positive for chronic wasting disease.

12 **SECTION 7.** 29.181 (2) (d) of the statutes is created to read:

13 29.181 (2) (d) A person may be issued more than one bonus deer hunting permit
14 in a single season if each bonus deer hunting permit authorizes the person to take
15 deer only in a county in which a deer has tested positive for chronic wasting disease
16 and if each permit authorizes a deer to be taken in a different county.

17 **SECTION 8.** 29.181 (3) of the statutes is created to read:

18 29.181 (3) **USE OF MONEY FROM FEES.** From the moneys received from the sale
19 of bonus deer hunting permits issued that authorize the taking of deer as provided
20 under sub. (2) (a) 2., the department shall credit an amount equal to \$5 times the
21 number of those bonus deer hunting permits issued to the appropriation under s.
22 20.370 (1) (hx).

23 **SECTION 9.** 29.181 (4) of the statutes is created to read:

1 29.181 (4) RULES. The department shall promulgate rules that establish the
2 fee for a bonus deer hunting permit issued under sub. (2) (a) 2. The fee established
3 in the rule shall be at least \$5.

4 **SECTION 10.** 29.563 (2) (c) 1. of the statutes is amended to read:

5 29.563 (2) (c) 1. Bonus deer issued for the purpose specified in s. 29.181 (2) (a)
6 1.: \$11.25.

7 **SECTION 11.** 29.563 (2) (c) 1m. of the statutes is created to read:

8 29.563 (2) (c) 1m. Bonus deer issued for the purpose specified in s. 29.181 (2)
9 (a) 2.: the amount determined by the department by rule under s. 29.181 (4).

10 **SECTION 12.** 29.563 (2) (d) of the statutes is renumbered 29.563 (2) (d) 1. and
11 amended to read:

12 29.563 (2) (d) 1. *Nonresident permit.* Bonus deer issued for the purpose
13 specified in s. 29.181 (2) (a) 1.: \$19.25.

14 **SECTION 13.** 29.563 (2) (d) 2. of the statutes is created to read:

15 29.563 (2) (d) 2. Bonus deer issued for the purpose specified in s. 29.181 (2) (a)
16 2.: the amount determined by the department by rule under s. 29.181 (4).

17 **SECTION 14.** 29.563 (14) (c) 4. of the statutes is amended to read:

18 29.563 (14) (c) 4. Each bonus deer hunting permit issued for which a fee is
19 charged under s. 29.563 (2) (c) 1. or 1m. or (d): 75 cents.

20 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

21 (1) BONUS DEER HUNTING PERMIT FEE RULES. The department of natural resources
22 may use the procedure under section 227.24 of the statutes to promulgate rules
23 under section 29.181 (4) of the statutes, as created by this act. Notwithstanding
24 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
25 subsection remain in effect until June 30, 2015, or the date on which permanent rules

1 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and
2 (3) of the statutes, the department is not required to provide evidence that
3 promulgating a rule under this subsection as an emergency rule is necessary for the
4 preservation of the public peace, health, safety, or welfare and is not required to
5 provide a finding of emergency for a rule promulgated under this subsection.

6 (END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1330/P2dn

RNK:.....

date

jd

Peter Kirby:

This version of the draft makes corrections to the language in the appropriation provisions of the draft to more accurately accomplish the intent of the request. ✓ Please let me know if you have any questions.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1330/P2dn
RNK:jld:jm

January 30, 2013

Peter Kirby:

This version of the draft makes corrections to the language in the appropriation provisions of the draft to more accurately accomplish the intent of the request. Please let me know if you have any questions.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Kite, Robin
Sent: Wednesday, January 30, 2013 2:27 PM
To: Kirby, Peter W - DOA
Subject: RE: Deer Bonus Hunting Permits Draft 1330/P1

Peter:

I just redrafted this draft to make the correction that I mentioned to you in my previous email today. I will do another redraft to address item 3 in DNR's response below. Item 2 is already incorporated in the draft that Elisabeth Shea in our office is handling with regard to the deer management assistance program. It was not clear to me from the original instructions whether there was also a "landowner issue" that needed to be addressed in my draft. Based on DNR's response, nothing has to be added to my draft with regard to my question in item 3 because it is already included in Elisabeth Shea's draft.

Thanks.
Robin

From: Kirby, Peter W - DOA [<mailto:Peter.Kirby@wisconsin.gov>]
Sent: Wednesday, January 30, 2013 2:15 PM
To: Kite, Robin
Subject: Deer Bonus Hunting Permits Draft 1330/P1

DNR's responses in orange.

1. "or until June 30, 2015, whichever occurs first. Is this date satisfactory?" --Yes--
2. LRB's questions about the emergency rules provision in the draft refer to "landowner fees." Should it be?-- Yes-- we need that authority-- I think it should cross reference the fees created in the proposed 29.020 language below (if this language was included):

DMAP Language

20.370(1)(hg) Deer Management Assistance Program. All moneys received from enrollment fees in the deer management assistance program under 29.020 to be used for administering the Deer Management Assistance Program.

29.020 Deer Management Assistance Program. The department shall establish a Deer Management Assistance Program that will allow landowners and hunters to work together with the department to manage deer on a site-specific basis. The program will actively involve members of the public in the collection, analysis, and reporting of deer harvest information and improve the quality of the deer herd. The department may establish enrollment fees for participation in the program under this section which shall be credited to the appropriation account under s. 20.370(1)(hg).

3. Should this provision be amended to provide that the farm owner may qualify for one or more additional permits under this subsection if the owner has received a bonus permit of the type created in the draft and paid the new fee established in this draft?" --Yes--

Thanks!

Kite, Robin

From: Kirby, Peter W - DOA <Peter.Kirby@wisconsin.gov>
Sent: Friday, February 01, 2013 1:29 PM
To: Kite, Robin
Cc: Shea, Elisabeth
Subject: RE: 1332/P1 and 1330/P2

Robin & Lis,

I don't really have a strong preference which draft it goes in, as long as it is in. And yes, DNR would to promulgate emergency rules for implementation of the reports recommendations.

Thanks,

Peter

From: Kite, Robin [<mailto:Robin.Kite@legis.wisconsin.gov>]
Sent: Friday, February 01, 2013 1:11 PM
To: Kirby, Peter W - DOA
Cc: Shea, Elisabeth - LEGIS
Subject: RE: 1332/P1 and 1330/P2

Peter:

Since this will be a newly created statute and it will apply broadly, it really doesn't matter which draft the language goes in. I will probably add it to LRB-1330. And at this point I would suggest that we not combine the drafts unless you feel it is necessary. Also, I assume that in addition to allowing DNR to promulgate rules, you also want DNR to be able to do emergency rules. Am I correct?

Robin

From: Kirby, Peter W - DOA [<mailto:Peter.Kirby@wisconsin.gov>]
Sent: Friday, February 01, 2013 12:15 PM
To: Kite, Robin; Shea, Elisabeth
Subject: 1332/P1 and 1330/P2

Hi Lis and Robin,

The Governor's office would like broader rulemaking authority to implement anything related to the deer trustee (Dr. Kroll) report. For both Bonus Permits and DMAP drafts. Is it possible to reference that in a draft? If so, would it be wiser to combine these drafts since they are both recommendations from the report.

The report can be found here, if you would like to know what I'm talking about.

<http://www.doa.state.wi.us/section.asp?linkid=239&locid=0>

Thanks,

Peter



State of Wisconsin
2013 - 2014 LEGISLATURE



pm run
p3

LRB-1330/P2

RNK:jld:jm

+WLj

DOA:.....Kirby, BB0424 - Bonus deer permits for hunting to control chronic wasting disease

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

Defu

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

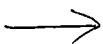
NATURAL RESOURCES

FISH, GAME, AND WILD LIFE

Under current law, a person who holds a deer hunting license may also be issued a bonus deer hunting permit. A bonus deer hunting permit authorizes the person to take an additional deer of the sex or type specified by DNR by rule. Unless authorized by a DNR rule, a person may not obtain more than one bonus deer hunting permit in a single season.

This bill specifies an additional basis upon which DNR may issue a bonus deer hunting permit. Under the bill, DNR may issue a bonus deer hunting permit that allows a person to take an additional deer in a county in which DNR has confirmed that a deer has tested positive for chronic wasting disease (CWD county). The bill provides that DNR may issue to a person more than one bonus deer hunting permit in a single season if each permit only authorizes the person to take a deer in a CWD county and each permit issued to that person authorizes the person to take a deer in a different CWD county.

INS.
Analysis



For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (1) (hs) of the statutes is amended to read:

2 20.370 (1) (hs) *Chronic wasting disease management.* From the moneys
3 received under ss. 29.181, 29.559 (1r), and 29.563 (13), except the moneys credited
4 to the appropriation account under par. (hx), the amounts in the schedule for the
5 management of, and testing for, chronic wasting disease under s. 29.063 (1).

6 **SECTION 2.** 20.370 (1) (hx) of the statutes is created to read:

7 20.370 (1) (hx) *Bonus deer permit fees; chronic wasting disease.* All moneys
8 received to be credited to this appropriation account under s. 29.181 (3) for the
9 management of, and testing for, chronic wasting disease under s. 29.063 (1).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 20.370 (5) (fq) of the statutes is amended to read:

11 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received
12 under ss. 29.181, 29.559 (1r), and 29.563 (13) and not appropriated under par. (fr)
13 and subs. (1) (hs), (hx), and (Ls) and (5) (fs) to provide state aid for the wildlife damage
14 abatement program under s. 29.889 (5) (c) and the wildlife damage claim program
15 under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and
16 for payments under s. 29.89.

17 **SECTION 4.** 29.181 (2) of the statutes is renumbered 29.181 (2) (a) (intro.) and
18 amended to read:

1 29.181 (2) (a) (intro.) A bonus deer hunting permit shall authorize the holder
2 of the bonus deer hunting permit to ~~take an additional deer of the sex or type specified~~
3 ~~by the department on the permit.~~ do either of the following:

4 (c) Except as authorized by rule or as provided under par. (d), a person may not
5 apply for or be issued more than one bonus deer hunting permit in a single season.

6 **SECTION 5.** 29.181 (2) (a) 1. of the statutes is created to read:

7 29.181 (2) (a) 1. Take an additional deer of the sex or type specified by the
8 department on the permit.

9 **SECTION 6.** 29.181 (2) (a) 2. of the statutes is created to read:

10 29.181 (2) (a) 2. Take an additional deer in a county in which the department
11 has confirmed that a deer has tested positive for chronic wasting disease.

12 **SECTION 7.** 29.181 (2) (d) of the statutes is created to read:

13 29.181 (2) (d) A person may be issued more than one bonus deer hunting permit
14 in a single season if each bonus deer hunting permit authorizes the person to take
15 deer only in a county in which a deer has tested positive for chronic wasting disease
16 and if each permit authorizes a deer to be taken in a different county.

17 **SECTION 8.** 29.181 (3) of the statutes is created to read:

18 29.181 (3) **USE OF MONEY FROM FEES.** From the moneys received from the sale
19 of bonus deer hunting permits issued that authorize the taking of deer as provided
20 under sub. (2) (a) 2., the department shall credit an amount equal to \$5 times the
21 number of those bonus deer hunting permits issued to the appropriation under s.
22 20.370 (1) (hx).

23 **SECTION 9.** 29.181 (4) of the statutes is created to read:

INS.
-16

29.181 (4) RULES. The department shall promulgate rules that establish the fee for a bonus deer hunting permit issued under sub. (2) (a) 2. The fee established in the rule shall be at least \$5.

SECTION 10. 29.563 (2) (c) 1. of the statutes is amended to read:

29.563 (2) (c) 1. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 1.: \$11.25.

SECTION 11. 29.563 (2) (c) 1m. of the statutes is created to read:

29.563 (2) (c) 1m. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 2.: the amount determined by the department by rule under s. 29.181 (4).

SECTION 12. 29.563 (2) (d) of the statutes is renumbered 29.563 (2) (d) 1. and amended to read:

29.563 (2) (d) 1. *Nonresident permit.* Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 1.: \$19.25.

SECTION 13. 29.563 (2) (d) 2. of the statutes is created to read:

29.563 (2) (d) 2. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 2.: the amount determined by the department by rule under s. 29.181 (4).

SECTION 14. 29.563 (14) (c) 4. of the statutes is amended to read:

29.563 (14) (c) 4. Each bonus deer hunting permit issued for which a fee is charged under s. 29.563 (2) (c) 1. or 1m. or (d): 75 cents.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) BONUS DEER HUNTING PERMIT FEE RULES. The department of natural resources may use the procedure under section 227.24 of the statutes to promulgate rules under ~~section~~ ^{sections 29.040 and} 29.181 (4) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until June 30, 2015, or the date on which permanent rules

1 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and
2 (3) of the statutes, the department is not required to provide evidence that
3 promulgating a rule under this subsection as an emergency rule is necessary for the
4 preservation of the public peace, health, safety, or welfare and is not required to
5 provide a finding of emergency for a rule promulgated under this subsection.

6 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1330/Pins
RNK:ldm

INSERT ANALYSIS

This bill also authorizes DNR to promulgate rules to implement the recommendations contained in the 2012 final report ~~that assesses~~ ^{of the assessment} this state's deer management plans and policies ~~and that was conducted in accordance with~~ ^{under} the terms of a contract between DOA and a recognized deer management expert.

INSERT 2-16

SECTION ~~20.040~~ ⁹ of the statutes is created to read:

20.040 Deer management report rules. **(1) TITLE.** (a) *Title.* The

department may promulgate rules to implement the recommendations contained in the 2012 final report ~~that assesses~~ ^{of the assessment of} this state's deer management plans and policies ~~and that was conducted in accordance with~~ ^{under} the terms of a contract between the department of administration and a recognized deer management expert.

INSERT 3-16

SECTION ~~29.181~~ ¹¹ (2m) (b) of the statutes is amended to read:

29.181 **(2m)** (b) The resident has been issued one bonus deer hunting permit for that season and for that deer management area for which the resident has paid the fee specified under s. 29.563 (2) (c) 1. or 1m.

History: 1991 a. 39; 1995 a. 27; 1997 a. 1; 1997 a. 248 ss. 248 to 254; Stats. 1997 s. 29.181; 1999 a. 9; 2001 a. 108.

Kite, Robin

From: Kite, Robin
Sent: Monday, February 04, 2013 2:18 PM
To: Kirby, Peter W - DOA
Subject: LRB-1330: BB0424

Peter:

I wanted to make sure to clarify the rule-making authority in the referenced draft with regard to implementation of the Kroll report. The draft gives DNR authority to promulgate rules to implement recommendations in the report. But the rules must be consistent with current statutes. That is, to the extent that a rule conflicts with a statute, the statute controls and the conflicting rule has no effect. Because I had not written a drafter's note on this issue, I wanted to follow-up with you to make sure that you were aware of this issue.

If you have any questions, please give me a call.

Robin

Robin N. Kite
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 E. Main St., Suite 200
Madison, WI 53703
(608) 266-7291

Kite, Robin

From: Kirby, Peter W - DOA <Peter.Kirby@wisconsin.gov>
Sent: Thursday, February 07, 2013 4:12 PM
To: Kite, Robin
Subject: RE: 1330/P3

Hi Robin,

DNR would like 2 changes:

- 1.) In sections 7 and 8 after "in a county" add or deer management area.
- 2.) Strike line 20 on page 3.

From: Kite, Robin [<mailto:Robin.Kite@legis.wisconsin.gov>]
Sent: Thursday, February 07, 2013 1:45 PM
To: Kirby, Peter W - DOA
Subject: RE: 1330/P3

This is already a SEG appropriation. Current law specifies that all amounts appropriated under s. 20.370 (1) are appropriated from the conservation fund unless otherwise indicated. Did I misunderstand your question? Give me a call if that would be more helpful.

Robin

From: Kirby, Peter W - DOA [<mailto:Peter.Kirby@wisconsin.gov>]
Sent: Thursday, February 07, 2013 1:18 PM
To: Kite, Robin
Subject: RE: 1330/P3

Hi Robin,

There's going to be a few more changes from DNR coming for 1330/P3. However, 1(hx) needs to be a all monies received SEG appropriation instead of PR I was wondering if you could send me the new alpha that it would be so I can enter it in our system? I don't need a new draft quite yet.

Thanks,

Peter

From: Kite, Robin [<mailto:Robin.Kite@legis.wisconsin.gov>]
Sent: Wednesday, February 06, 2013 9:45 AM
To: Kirby, Peter W - DOA
Subject: RE: 1330/P3

Peter:

I think it would work like this:

Unless a DNR rule specifies otherwise, a person could get one, and only one, bonus permit for a purpose specified under current law (i.e., to take a deer of the sex or type specified by DNR). In addition, that same person could also get any number of additional permits to take a deer in a county with CWD as long as each of those CWD related permits

authorizes the person to take a deer in a different CWD county. So in theory, that person could get one permit that is not CWD related and then get scores of other permits, each of which only applies in a different CWD county. Of course, for purposes of this example, DNR would have had to have detected CWD in each of those counties. Let me know if that answers your question.

Robin

From: Kirby, Peter W - DOA [<mailto:Peter.Kirby@wisconsin.gov>]
Sent: Wednesday, February 06, 2013 9:32 AM
To: Kite, Robin
Subject: RE: 1330/P3

Robin,

Wow, looking back at this I'm not sure I was even asking a coherent question. My apologies, it's getting to be late in the budget season and I may be losing my mind a bit. Anyways, my actual question was in regard to the language in Section 8, it says "and if each permit authorizes a deer to be taken in a different county."

Section 8 establishes a two part test for receiving multiple bonus permits

A person might receive more than 1 bonus permit if

- 1.) A deer is to be taken in a county in which a deer is tested positive for CWD
- 2.) Each permit authorizes one deer to be taken in each county
 - a. Meaning a person could have 2 bonus permits but could only take one deer per county (e.g. one from Dane and one from Rock, not two from Dane.)

Am I interpreting this correctly?

Thanks,

Peter

From: Kite, Robin [<mailto:Robin.Kite@legis.wisconsin.gov>]
Sent: Wednesday, February 06, 2013 8:28 AM
To: Kirby, Peter W - DOA
Subject: RE: 1330/P3

Peter:

I'm not sure I understand your question. Under current law in s. 29.181, DNR may issue bonus permits to "take an additional deer of the sex or type specified by the department on the permit". The instructions for this draft were to allow DNR to also issue a permit "specifically to take additional deer in the state's counties where CWD has been detected". I assumed that the way that DNR determines that CWD has been detected is by confirming that the deer has tested positive for CWD. This is the standard used in current law under the statutes regulating the feeding of deer under s. 29.336. But if you prefer that the draft simply provide that DNR must have confirmed that CWD was detected in a county without saying that a deer has tested positive in that county, I can revise the draft accordingly. If this does not answer your question, give me a call and we can discuss the draft.

Thanks.
Robin

From: Kirby, Peter W - DOA [<mailto:Peter.Kirby@wisconsin.gov>]

Sent: Tuesday, February 05, 2013 5:22 PM

To: Kite, Robin

Subject: 1330/P3

Hi Robin

Question regarding the bonus permit.

"This bill specifies an additional basis upon which DNR may issue a bonus deer hunting permit. Under the bill, DNR may issue a bonus deer hunting permit that allows a person to take an additional deer in a county in which DNR has confirmed that a deer has tested positive for chronic wasting disease (CWD county)."

Why is this. Is this located somewhere else in the statutes for compliance?

Thanks,

Peter

Peter Kirby

State Budget Office

Phone: 608.267.0370



State of Wisconsin
2013 - 2014 LEGISLATURE



Rm
run

LRB-1330/PS
RNK:jld&wlj:ph

DOA:.....Kirby, BB0424 - Bonus deer permits for hunting to control chronic wasting disease

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

DN

pwfu

✓
1 *do not gen*
AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILD LIFE

Under current law, a person who holds a deer hunting license may also be issued a bonus deer hunting permit. A bonus deer hunting permit authorizes the person to take an additional deer of the sex or type specified by DNR by rule. Unless authorized by a DNR rule, a person may not obtain more than one bonus deer hunting permit in a single season.

This bill specifies an additional basis upon which DNR may issue a bonus deer hunting permit. Under the bill, DNR may issue a bonus deer hunting permit that allows a person to take an additional deer in a county in which DNR has confirmed that a deer has tested positive for chronic wasting disease (CWD *white*). The bill provides that DNR may issue to a person more than one bonus deer hunting permit in a single season if *each permit only* authorizes the person to take a deer in a CWD *area* ~~county~~ and each permit issued to that person ~~authorizes the person to take a deer in a different CWD county~~ *authorizes the person to take a deer in a different CWD area* ✓

This bill also authorizes DNR to promulgate rules to implement the recommendations contained in the 2012 final report of the assessment of this state's deer management plans and policies that was conducted under the terms of a contract between DOA and a recognized deer management expert.

✓ *or deer management area*

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (1) (hs) of the statutes is amended to read:

2 20.370 (1) (hs) *Chronic wasting disease management.* From the moneys
3 received under ss. 29.181, 29.559 (1r), and 29.563 (13), except the moneys credited
4 to the appropriation account under par. (hx), the amounts in the schedule for the
5 management of, and testing for, chronic wasting disease under s. 29.063 (1).

6 **SECTION 2.** 20.370 (1) (hx) of the statutes is created to read:

7 20.370 (1) (hx) *Bonus deer permit fees; chronic wasting disease.* All moneys
8 received to be credited to this appropriation account under s. 29.181 (3) for the
9 management of, and testing for, chronic wasting disease under s. 29.063 (1).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 20.370 (5) (fq) of the statutes is amended to read:

11 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received
12 under ss. 29.181, 29.559 (1r), and 29.563 (13) and not appropriated under par. (fr)
13 and subs. (1) (hs), (hx), and (Ls) and (5) (fs) to provide state aid for the wildlife damage
14 abatement program under s. 29.889 (5) (c) and the wildlife damage claim program
15 under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and
16 for payments under s. 29.89.

17 **SECTION 4.** 29.040 of the statutes is created to read:

18 **29.040 Deer management report rules.** The department may promulgate
19 rules to implement the recommendations contained in the 2012 final report of the
20 assessment of this state's deer management plans and policies that was conducted

1 under the terms of a contract between the department of administration and a
2 recognized deer management expert.

3 **SECTION 5.** 29.181 (2) of the statutes is renumbered 29.181 (2) (a) (intro.) and
4 amended to read:

5 29.181 (2) (a) (intro.) A bonus deer hunting permit shall authorize the holder
6 of the bonus deer hunting permit to take an additional deer of the sex or type specified
7 by the department on the permit. ~~do either~~ ^{any} of the following: ✓

8 (c) Except as authorized by rule or as provided under par. (d), a person may not
9 apply for or be issued more than one bonus deer hunting permit in a single season.

10 **SECTION 6.** 29.181 (2) (a) 1. of the statutes is created to read:

11 29.181 (2) (a) 1. Take an additional deer of the sex or type specified by the
12 department on the permit.

13 **SECTION 7.** 29.181 (2) (a) 2. of the statutes is created to read:

14 29.181 (2) (a) 2. Take an additional deer in a [✓]county ^{or deer management area} in which the department
15 has confirmed that a deer has tested positive for chronic wasting disease.

16 **SECTION 8.** 29.181 (2) (d) of the statutes is created to read:

17 29.181 (2) (d) A person may be issued more than one bonus deer hunting permit
18 in a single season if each bonus deer hunting permit authorizes the person to take
19 deer only in a county ^{or deer management area} in which a deer has tested positive for chronic wasting disease
20 ~~and if each permit authorizes a deer to be taken in a different county.~~ ✓

21 **SECTION 9.** 29.181 (2m) (b) of the statutes is amended to read:

22 29.181 (2m) (b) The resident has been issued one bonus deer hunting permit
23 for that season and for that deer management area for which the resident has paid
24 the fee specified under s. 29.563 (2) (c) 1. or 1m.

25 **SECTION 10.** 29.181 (3) of the statutes is created to read:

1 29.181 (3) USE OF MONEY FROM FEES. From the moneys received from the sale
2 of bonus deer hunting permits issued that authorize the taking of deer as provided
3 under sub. (2) (a) 2., the department shall credit an amount equal to \$5 times the
4 number of those bonus deer hunting permits issued to the appropriation under s.
5 20.370 (1) (hx).

6 **SECTION 11.** 29.181 (4) of the statutes is created to read:

7 29.181 (4) RULES. The department shall promulgate rules that establish the
8 fee for a bonus deer hunting permit issued under sub. (2) (a) 2. The fee established
9 in the rule shall be at least \$5.

10 **SECTION 12.** 29.563 (2) (c) 1. of the statutes is amended to read:

11 29.563 (2) (c) 1. Bonus deer issued for the purpose specified in s. 29.181 (2) (a)
12 1.: \$11.25.

13 **SECTION 13.** 29.563 (2) (c) 1m. of the statutes is created to read:

14 29.563 (2) (c) 1m. Bonus deer issued for the purpose specified in s. 29.181 (2)
15 (a) 2.: the amount determined by the department by rule under s. 29.181 (4).

16 **SECTION 14.** 29.563 (2) (d) of the statutes is renumbered 29.563 (2) (d) 1. and
17 amended to read:

18 29.563 (2) (d) 1. *Nonresident permit.* Bonus deer issued for the purpose
19 specified in s. 29.181 (2) (a) 1.: \$19.25.

20 **SECTION 15.** 29.563 (2) (d) 2. of the statutes is created to read:

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22 2.: the amount determined by the department by rule under s. 29.181 (4).

23 **SECTION 16.** 29.563 (14) (c) 4. of the statutes is amended to read:

24 29.563 (14) (c) 4. Each bonus deer hunting permit issued for which a fee is
25 charged under s. 29.563 (2) (c) 1. or 1m. or (d): 75 cents.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) BONUS DEER HUNTING PERMIT FEE RULES. The department of natural resources may use the procedure under section 227.24 of the statutes to promulgate rules under sections 29.040 and 29.181 (4) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until June 30, 2015, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)

d-note
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1330/1dn

RNK:.....

date

jd

Peter Kirby:

draft

CS

In addition to the changes requested for this redraft, please note that I revised the language in s. 29.181 (2) (a) (intro.) as renumbered in the draft. See Section 5 of the draft. The previous version of the ~~Version~~ used the phrase "either of the following." I changed the phrase to "any of the following" to clarify that a person could get a bonus permit for a reason not related to chronic wasting disease (CWD) and also get additional CWD-related permits. Let me know if you have any questions.

*
*
*

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1330/1dn
RNK:jld:ph

February 8, 2013

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E-mail: robin.kite@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1330/1
RNK:jld&wlj:ph

DOA:.....Kirby, BB0424 – Bonus deer permits for hunting to control chronic wasting disease

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

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FISH, GAME, AND WILD LIFE

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(END)